

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 20, 2007. At the time of the Office Action, Claims 1-18 were pending in this Application. Claims 1-18 were rejected. Claims 1, 3, 6, 8, 11, 13, 15, and 17 have been amended. Claims 2, 7, 12, and 16 have been cancelled without prejudice. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 6-10 and 15-17 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,705,949 issued to Carl H. Alelyunas et al. ("Alelyunas"). Applicant respectfully traverses and submits Alelyunas does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Applicant amended independent Claim 6 and 15 to include the limitations of former dependent Claims 7 and 16, respectively. The Examiner stated that former Claims 7 and 16 are anticipated by *Alelyunas*. Applicant respectfully disagrees. The Examiner particularly cited col. 5, lines 30-41, including equation (9) of *Alelyunas* as disclosing the specific equations used for compensating the phase errors according to former dependent Claims 7 and 16. Applicant respectfully disagrees. Even though, *Alelyunas* discloses compensation for phase errors, *Alelyunas* does not disclose the specific equations according to the amended independent Claims.

Alalyunas discloses that the signals I'' and Q'' after multipliers 26 can be represented by equation (9). However, this representation merely describes the components of the signals I'' and Q'' . It does not describe a compensation matrix. *Alalyunas* does, however, disclose a compensation matrix with equation (10). However, this equation uses a different matrix than proposed by the amended claims. Thus, *Alalyunas* cannot anticipate independent Claims 6 and 15.

Applicants respectfully submit that the dependent Claims 8-10 and 17 are allowable at least to the extent of the independent Claim 6 and 15 to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

Rejections under 35 U.S.C. §103

Claims 1-5 and 11-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alelyunas. Applicant respectfully traverses and submits Alelyunas does not render the claimed embodiment of the invention obvious.

Claims 14 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Alelyunas, applied to Claims 1 and 6, and further in view of U.S. Patent 5,550,869 issued to Itzhak Gurantz et al. ("Gurantz"). Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The same reasoning as presented with respect to Claims 6 and 15 also applies for independent Claims 1 and 11. *Alelyunas* discloses a specific compensation matrix which is different and, in particular, more complex than the matrix used according to the present independent claims. *Alelyunas* does not teach any alternative or suggests any other compensation matrix. Therefore, Applicant believes that the amended independent claims are not rendered obvious in view of the cited prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance

of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

Supplemental Application Data Sheet

Applicants respectfully submit herewith a Supplemental Application Data Sheet adding information that was inadvertently omitted from the Declaration. The Domestic Priority Information was not identified on the Declaration, however, was properly disclosed in the patent application as filed.

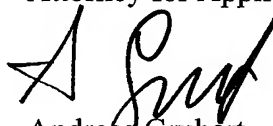
CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicant


Andreas Grubert
Registration No. 59,143

Date: May 31, 2007

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **58174**
512.322.2545
512.322.8383 (fax)